

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,

**Plaintiff,**

V.

R. MORENO, *et al.*,

Defendants.

Case No. 1:21-cv-00327-KES-EPG (PC)

**ORDER TERMINATING  
PLAINTIFF'S MOTION TO STRIKE  
DECLARATIONS AS MOOT**

(ECF No. 192)

Plaintiff Kristin Hardy is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case is proceeding on Plaintiff's unreasonable search and seizure claims against defendants Valencia, Moreno, Chavez, Dohs, and Ceballos, based on Plaintiff's allegations that after Plaintiff was subjected to a full body scan, he was immediately subjected to an additional strip search without obvious justification. (ECF Nos. 22, 42, & 43).

Before the Court is Plaintiff's motion "to strike the declarations of G. Jones and C. Stokes (document No. 180) and filed with this Court on 6-21-23." (ECF No. 192). For the reasons stated below, Plaintiff's motion is moot and the Court will take no action on it.

On April 13, 2023, Defendants were granted a protective order. (EF No. 165). Defendants then moved for evidentiary sanctions based on violations of that protective order (ECF No. 172). Plaintiff opposed that motion (ECF No. 174) and Defendants filed a Reply (ECF No. 179), followed by Notice of Errata (ECF No. 180) filed on June 21, 2023, and accompanied by declarations of G. Jones and C. Stokes. Defendants' Notice of Errata (ECF

1 No. 180) states that the declarations accompanying their reply (ECF No. 179) in support of  
2 motion for sanctions (ECF No. 172) were filed without signatures of declarants and attaches the  
3 signed declarations. On January 4, 2024, Defendants withdrew (ECF No. 231) their motion for  
4 evidentiary sanctions (ECF No. 172.)

5 Because the declarations Plaintiff seeks to strike were filed in support of Defendants'  
6 now-withdrawn motion (ECF No. 172), Plaintiff's motion to strike the declarations (ECF No.  
7 192) is moot and should be terminated as such.

8 IT IS SO ORDERED.  
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10 Dated: March 25, 2024

*/s/ Eric P. Gross*

11 UNITED STATES MAGISTRATE JUDGE

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